THE HONOURABLE Dr. JUSTICE G.YETHIRAJULU

W.P.No. 12562 OF 1994

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Dated: 17th November, 2005

Between:

Management of H.A.L. Balanagar,

Hyderabad rep. by its General Manager …Petitioner

A N D

1. Addl. Industrial Tribunal-cum-

Addl. Labour Court, rep. by its

Presiding Officer, Hyderabad and

Another …Respondents

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O R D E R :

1. The respondent in I.D.No. 105 of 1993 on the file of the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad filed this writ petition seeking to quash the Award of the Industrial Tribunal in I.D.No.105 of 1993, dated 30th October, 1993 and to pass appropriate orders in the circumstances of the case.

2. H.A.L. Casual Labour Union was the petitioner before the Additional Industrial Tribunal, Hyderabad. An Industrial dispute was referred to the said Tribunal for adjudication, whether the respondent was justified in refusing to absorb the services of 10 listed casual labour represented by the petitioner union. The Industrial Tribunal after considering the material available on record passed an Award on 30th October,1993 with the following directions.

"a) The case of the 10 workmen herein should

be considered afresh having regard to their

seniority.

b. *They should be absorbed on priority basis.*

c. *The management shall prepare and follow a seniority list regardless of the representations by the Unions.*

d. *Above all, a well defined policy of absorption of casual and contract labour should be formulated and followed strictly.*

Award passed accordingly".

3. The writ petitioner being aggrieved by the Award of the Industrial Tribunal approached this Court seeking to quash the said Award. The Industrial Tribunal directed that the writ petitioner shall consider absorption of 10 workmen afresh, having regard to their seniority and that they should be absorbed on priority basis, that the management shall prepare and follow the seniority list regardless of the representations of the Unions and the management has to evolve a well defined policy for absorption of casual and contract labour. It is an undisputed fact that the 10 workmen worked as casual labour and the absorption if any has to be done as per the Rules and Regulations applicable to the petitioner organization. There is no specific direction by the Industrial Tribunal that they shall be absorbed regardless of the Rules and Regulations. Therefore, it is for the petitioner to give a fresh look on the representations regarding the absorption of 10 workmen, examine their cases in pursuance of the Rules and Regulations in force and the policy, if any evolved by

the management with the consultation of the labour Unions and pass appropriate orders, regarding the absorption of the 10 workmen represented by their Union.

4. In the light of the directions given by the Industrial Tribunal, it is for the writ petitioner to consider the cases of the 10 workmen after carefully going through the Award.

5. I do not find any ground to interfere with the same.

6. Accordingly, the writ petition is dismissed. No order as to costs.

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Dr.G.Yethirajulu,J.

17th November, 2005

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